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IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Appl. No. : 09/676,836
Applicant(s) : Christopher T. Cotton et al.
Filed : September 29, 2000
Title: REFRACTOMETER FOR MONITORING WATER CONTENT IN FLUIDS

TC/A.U. : 2851
Examiner : Michelle P. Nguyen

Docket No. : 39159.0324

FACSIMILE LETTER

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Sir:

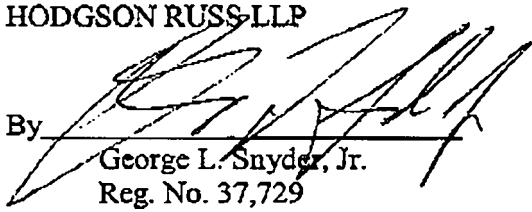
Pursuant to a telephone conference between the undersigned attorney and Examiner Michelle Nguyen on September 8, 2003, we transmit herewith a copy of second Terminal Disclaimer in the above application. The second Terminal Disclaimer relates to U.S. Patent No. 5,969,808, and was previously submitted with, but apparently not scanned at the same time as, a first Terminal Disclaimer in the application.

Please scan the second Terminal Disclaimer into the electronic records for this application.

Respectfully submitted,

HODGSON RUSS-LLP

By


George L. Snyder, Jr.
Reg. No. 37,729

One M&T Plaza, Suite 2000
Buffalo, New York 14203-2391
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DATED: September 8, 2003

**TERMINAL DISCLAIMER TO OBTAIN A DOUBLE PATENTING
REJECTION OVER A PRIOR PATENT**

Docket Number (Optional)

39159.0324

In re Application of: Christopher T. Cotton et al.
Application No.: 09/676,836
Filed: September 29, 2000
For: Refractometer For Monitoring Water Content In Fluids

The owner, Reichert, Inc., of 100 percent interest in the instant application hereby disclaims, except as provided below, the terminal part of the statutory term of any patent granted on the instant application, which would extend beyond the expiration date of the full statutory term defined in 35 U.S.C. 154 and 173, as presently shortened by any terminal disclaimer, of prior Patent No. 5,969,808. The owner hereby agrees that any patent so granted on the instant application shall be enforceable only for and during such period that it and the prior patent are commonly owned. This agreement runs with any patent granted on the instant application and is binding upon the grantee, its successors or assigns.

In making the above disclaimer, the owner does not disclaim the terminal part of any patent granted on the instant application that would extend to the expiration date of the full statutory term as defined in 35 U.S.C. 154 and 173 of the prior patent, as presently shortened by any terminal disclaimer, in the event that it later expires for failure to pay a maintenance fee, is held unenforceable, is found invalid by a court of competent jurisdiction, is statutorily disclaimed in whole or terminally disclaimed under 37 CFR 1.321, has all claims canceled by a reexamination certificate, is reissued, or is in any manner terminated prior to the expiration of its full statutory term as presently shortened by any terminal disclaimer.

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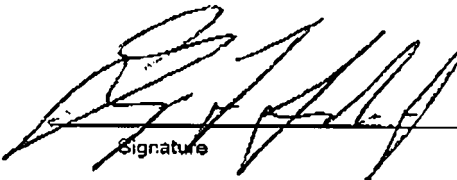
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